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APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO		
09/534,433 03/23/2000		03/23/2000	David L. Patton	80521F-P	1516		
1333	7590	02/27/2003			•		
PATENT L			EXAMINER HENDERSON, MARK T				
EASTMAN 343 STATE	STREET						
ROCHESTER, NY 14650-2201				ART UNIT	PAPER NUMBER		
				3722			
				DATE MAILED: 02/27/2003	DATE MAILED: 02/27/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

BA
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provision of 3° CFR 1.73(a), in no event, however, may a reply be timely filed  Extensions of time may be available under the provision of 3° CFR 1.73(a), in no event, however, may a reply be timely filed  Extension of time may be available under the provision of 3° CFR 1.73(a), in no event, however, may a reply be timely filed  If the period for reply supplied above is less than birty (30) days, a reply within the authory minimum filed for the provision of the provision of the period for reply will, by available, part of will period part of the communication.  Fallure to reply within the set or extended period for reply will, by attention to become ARANCONED (35 U.S.C. § 133).  Responsive to communication(s) filed on 2° January 2003.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 12.14.18-23.25 and 29-34 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  6) Claim(s) 12.14.18-23.25 and 29-34 is/are rejected.  7) Claim(s) is/are allowed.  6) Claim(s) 12.14.18-23.25 and 29-34 is/are rejected.  7) Claim(s) is/are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  Application Papers  9) The proposed drawing correction filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is/are: a) accepted or b) disapproved by the Examiner.  Friority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d		Application	No.	Applicant(s)					
Mark T Henderson   3722		09/534,433		PATTON, DAVID L.					
- The MALLING DATE of this communication appears on the cover sheet with the correspondence address—Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of JCTR 1.136(a). In no event, however, may a reply be timely filed after SX (b) MoNTHS from the malling date of the communication.  Flatine to reply within the act or steading date of the communication.  If NO period for reply is specified some, the manifum statutory period vall in gap to MoNTH 15 from be malling date of this communication.  Flatine to reply within the act or steading date of the communication.  Flatine to reply within the act or steading date of this communication.  Flatine to reply within the act or steading period vall reply will by statutor, or statutor, and the specified reply will be considered timely.  Flatine to reply within the act or reply is specified and the provision of the communication.  Flatine to reply within the act or reply statutor is reply will be considered the specified reply will be considered timely.  Flatine to reply within the act or reply will be considered the specified reply will be considered the specified reply will be considered timely.  Flatine to reply within the act or reply will be statutor, and the specified reply will be considered timely.  Flatine to reply within the act or reply will be the specified reply will be considered timely.  Flatine to reply within the act or reply will be considered to the specified reply will be considered timely.  Flatine to reply within the active reply will be considered timely.  Flatine to reply within the active reply will be sent to supply the sent of the manifest of the manifest of the sent of the se	Office Action Summary	Examiner		Art Unit					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Examinate of time may be available under the provisions of 37 CFR 1-35(a), in not event, however, may a nepty be timely filled  - Expansions of time may be available under the provisions of 37 CFR 1-35(a), in not event, however, may a nepty be timely filled  - Expansions of time may be available under the provisions of 37 CFR 1-35(a), in not event, however, may a nepty be timely filled  - Expansions of time may be available under the provisions of 37 CFR 1-35(a), in not event, however, may a nepty be timely filled  - Expansions of time may be under the provisions of 37 CFR 1-35(a), in not event, however, may a nepty be timely filled  - Expansions of the provisions of the ments of closed in accordance with the practice under Expansion of Claims  - Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Expansion of Claims  - Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Expansion of Claims  - Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Expansion of Claims  - Since this application is an expansion of Claims  - Since this application of Claims  - Since this application of Claims  - Since this application is applicated to by the Examiner of Claims (s) 12.14.18-23.25 and 29-34 is/are rejected.  - Claims (s) 1									
THE MAILING DATE OF THIS COMMUNICATION.  Extensions from may be available under the provision of 3 CFR 1 13(e). In ne event, however, may a reply be timely filed after 6X (6) MCNTHS from the mailing date of this communication.  It is of the communication of the communication of 3 CFR 1 13(e). In ne event, however, may a reply be timely filed after 6X (6) MCNTHS from the mailing date of this communication.  It is operated for exply is specified above, the maximum statusus practical way and will explicit (C) MCNTHS from the mailing date of this communication.  Failuse to reply visitine the set or extended pariotion for reply will, by statute, cause the application to become ARANDONED (35 U.S. 2, 133). Any reply received by the Office ident than these nominication after the mailing date of this communication, even if timely filed, may reduce any subscript and the provided and the communication and the communicatio	The MAILING DATE of this communication app Period for Reply	ears on the co	over sheet with the	correspondence address	í <b></b>				
2a)  This action is FINAL. 2b)  This action is non-final.  3   Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 12.14.18-23.25 and 29-34 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) 12.14.18-23.25 and 29-34 is/are rejected.  7)  Claim(s) is/are objected to.  8)  Claim(s) 12.14.18-23.25 and 29-34 is/are rejected.  7)  Claim(s) are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on is/are: al□ accepted or bl□ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on is: al□ approved bl□ disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All bl□ Some * cl□ None of:  1.  Certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a)  The translation of the foreign language provisional application has been received.  15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(e)  4)  Interview Summary (PTO-413) Paper No(e)  5) Notice of References Cited (PTO-82)	THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period we Failure to reply within the set or extended period for reply will, by statute,  - Any reply received by the Office later than three months after the mailing	36(a). In no event, within the statutor will apply and will exceuse the applicat	however, may a reply be ti y minimum of thirty (30) da φire SIX (6) MONTHS fron ion to become ABANDONI	mely filed  ys will be considered timely.  n the mailing date of this communi ED (35 U.S.C. § 133).	cation.				
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13)   Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)   All b)   Some * c)   None of:  1.	12) The oath or declaration is objected to by the Examiner.								
a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Priority under 35 U.S.C. §§ 119 and 120								
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**DETAILED ACTION** 

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Faxing of Responses to Office Actions

In order to reduce pendency and avoid potential delays, TC 3700 is encouraging

FAXING of responses to Office Actions directly into the Group at (703)872-9302 (Official) and

(703)872-9303 (for After Finals). This practice may be used for filing papers which require a fee

by applicants who authorize charges to a PTO deposit account. Please identify the examiner and

art unit at the top of your cover sheet. Papers submitted via FAX into TC 3700 will be promptly

forwarded to the examiner.

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office

action is persuasive and, therefore, the finality of that action is withdrawn.

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## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claims 12, 14, 18-23, 25, and 29-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gasper et al in view of St. Louis Post-Dispatch Article.

Gasper et al discloses in Fig. 1 and 1A, a document (10, which could be considered a stamp or a sheet of stamps, as stated in Col. 5, lines 46-58) comprising a visible first indicia (12) identifying document (Col.5, lines 47-50), a second indicia (16) made using ink that can be seen when viewed under UV or infrared light (Col. 9, lines 19-24), not visible under normal viewing conditions (Col. 6, lines 15-23) and incapable of being scanned for reproduction (Col. 8, lines 63-67).

However, Gasper et al does not disclose a stamp comprising: a first indicia being a unique ID which identifies that said limited edition stamp is one out of a predetermined limited number; a third indicia for identifying the printer or location of where the stamp was printed, wherein the third indicia is not visible under normal viewing conditions, incapable of being scanned for reproduction, and wherein the ink can be viewed under UV or infrared light.

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St. Louis Post-Dispatch discloses a limited edition stamp of 2000 stamps comprising indicia to show that each stamp is sequentially numbered and labelled as "the Governor's Edition.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Gasper et al's document to be in the form of a stamp comprising unique indicia as taught by the St. Louis Post-Dispatch for the purpose of providing a limited edition stamp.

In regards to Claims 12, 19, 23 and 30, 34, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place any desirable indicia on the stamp document, since it would only depend on the intended use of the assembly and the desired information to be displayed. Further, it has been held that when the claimed printed matter is not functionally related to the substrate it will not distinguish the invention from the prior art in terms of patentability. In re Gulack 217 USPQ 401, (CAFC 1983). Also, in the present case, there appears to be no new or unobvious structural relationship between the printed matter and the substrate. Furthermore, the fact that the content of the printed matter placed on the substrate may render the device more unique by providing an individual with a "specific type of article" does not alter the functional relationship Mere support by the substrate (sheet) for the printed matter is not the kind of functional relationship necessary for patentability. The document of Gasper et al is capable of being a limited edition stamp depending on the indicia printed on the sheet.

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In regards to Claims 19-22 and 30-33, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include as many types of indicia having characteristics as the "second indicia" as desired, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.

## Response to Arguments

3. Applicant's arguments filed on September 17, 2002 have been fully considered but they are not persuasive.

In regards to applicant's arguments that the prior art reference is not "directed to a stamp more or less to a limited edition stamp as taught and claimed by applicant", and that the prior art reference does not teach that the invention is not "visible under normal conditions, but is simply not readily observable", the examiner submits that the St. Louis Dispatch Article (1993) is now relied upon for disclosing a limited edition postage stamp.

In regards to applicant's arguments that the applicant's invention is directed to a postage stamp, the examiner submits that the features upon which applicant relies (i.e., "postal stamp issued by official postal authority") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the

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claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, the examiner has interpreted the definition of "stamp" in its broadest sense. Webster's Dictionary defines "stamp" as a "printed paper affixed in evidence that a tax has been paid. Gasper et al does indeed disclose a "printed paper or document".

Webster's Dictionary also defines "observable" as being "visible". Furthermore, the applicant must note that the examiner must rely on the applicant's disclosure to properly determine the meaning of terms ("not visible") used in the claims. An applicant is entitled to be his or her own lexicographer, and in many instances will provide an explicit definition for certain terms used in the claims. Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. Any special meaning assigned to a term "must be sufficiently clear in the specification that any departure from common usage would be so understood by a person of experience in the field of the invention. If an applicant does not define a term in the specification, that term will be given its "common meaning" or its broadest reasonable interpretation consistent with the specification. In regards to the Gasper et al reference, something that is "not observable" means that it can not be seen, or is "not visible".

In conclusion Gasper et al teaches a printed document (stamp) which comprises first indicia being printed matter on a sheet and a second indicia (micro-dots) which is not capable of being scanned for reproduction (the micro-dots prohibit the document and indicia from being scanned) and is not visible under normal viewing conditions. The St. Louis Post-Dispatch is

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relied upon for disclosing a limited edition stamp having unique indicia to disclose that it is one out a predetermined number.

## Prior Art References

The prior art references listed in the attached PTO-892, but not used in a rejection of the claims, are cited for (their/its) structure. Brasington et al discloses the use of a limited edition stamp.

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**Contact Information** 

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Henderson whose telephone number is (703)305-0189. The examiner can be reached on Monday - Friday from 7:30 AM to 3:45 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, A. L. Wellington, can be reached on (703) 308-2159. The fax number for TC 3700 is (703)-872-9302. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 3700 receptionist whose telephone number is (703)308-1148.

MTH

February 20, 2003

MONICA CARTER
PATENT EXAMINED